

**MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON NOVEMBER 4, 2019 AT 7:00 P.M. IN THE COUNCIL CHAMBER AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA**

**CALL TO ORDER**

Mayor John Byrum called the meeting to order and welcomed everyone present.

Mr. Carl Tuttle gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Todd Nifong, Keith Leonard, Jackie Edwards and Robin Moon. Absent: None. Town Manager Tammy Michael, Town Clerk Linda Hunt, and Town Attorney Jim Lanik were present.

Each Councilor had been furnished an agenda prior to the meeting.

No members of the press were in attendance.

**APPROVAL OF MINUTES**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the minutes of the September 28, 2019 Town Council Vision Workshop as presented.

On motion by Councilor Todd Nifong, seconded by Councilor Keith Leonard, Council voted unanimously to approve the minutes of the October 7, 2019 Town Council regular meeting as presented.

**PUBLIC ADDRESS**

There were none.

**ADOPT AGENDA**

On motion by Councilor Robin Moon, seconded by Councilor Todd Nifong, Council voted unanimously to adopt the agenda as presented.

**PROCLAMATIONS**

**VETERANS DAY – MONDAY, NOVEMBER 11, 2019**

Mayor John Byrum declared Monday, November 11, 2019 as Veterans Day in the Town of Midway in tribute to the veterans of all wars: the living, the disabled, and the deceased, and urged all citizens to join in the expression of appreciation to the many veterans in our community who have given so much on our behalf in times of both war and peace.

Mayor Byrum asked if there were any veterans in the audience. In the audience were:

Marshall Hiatt – Served in the U. S. Air Force for 20 years

Dawn Barker – Served in the U. S. Marine Corps – Operation Desert Storm

Mayor Byrum thanked the Mr. Hiatt and Ms. Barker for their military service.

**NATIONAL EPILEPSY AWARENESS MONTH**

Mayor Byrum recognized November 2019 as Epilepsy Awareness Month and encouraged citizens to spread understanding, education and compassion in order to improve the lives of people living with Epilepsy and their families in our community.

**REGULAR BUSINESS**

**ANIMAL C.A.R.E. FOUNDATION – KATHY CLEMMONS**

On behalf of the Animal C.A.R.E. Foundation, President Kathy Clemmons introduced Board member Rayne Brown; Vice President and Event Coordinator Janice Richardson; and Canine and Feline Coordinator Dawn Barker.

Ms. Clemmons explained that C.A.R.E. in the name of the Foundation stands for Community Adoption, Rescue, Education and provided Council with an overview of the programs offered.

Purpose: The purpose of Animal C.A.R.E. Foundation (ACF) is:

1. To rescue animal from situations that are abusive, endangering or neglectful.
2. To rescue animals in danger of being euthanized at area shelters/pounds.
3. To assist owners willing to keep their animals by assisting with food, medical needs, shelter, and other needs as funds allow.
4. To provide necessary veterinary care, as funds allow.
5. To place rescued animals into permanent adoptive homes.
6. To educate and promote the importance of spaying and neutering companion animals.
7. To educate the public on the proper care of animals.

Community Adoptions – Year to Date

- Dogs: 53
- Cats 60

Spay/Neuter:

- To date, ACF has assisted with the spay/neuter of 877 cats and dogs.
- Currently, ACF has 15 fosters, each foster cares for the cats/dogs in their homes; thereby socializing and vetting the animal.
- ACF has two spay/neuter transports per month:
  - Planned Pethood - Greensboro, NC
  - Feral Cats Assistance Program – Greensboro, NC

Ms. Clemmons stated feral cats are a major problem. They have to be trapped and ACF is the only group that offers this service in our area.

Rescue:

- To date, ACF has assisted sick and injured cats (72) and dogs (88) by paying vet bills in the amount of \$16,126.12.

Ms. Janice Richardson explained the education about animal care provided by ACF:

- ACF works with area schools, Girl Scouts, Boy Scouts, and Special Needs Children to discuss the proper care of animals.
- Students from area high schools earn community work hours by working at “Thrifty Finds”. Through donations, ACF as provided over 8,000 pounds of food for cats and dogs in the community who need assistance. No one is turned away. Discounts given to those unable/difficult to pay. Donations not used at “Thrifty Finds” are donated to Crisis Ministries, the Women’s Shelter, and the Rescue Mission. ACF also donates to families whose homes have burned (clothing, home items, and furniture); nursing homes (books and lap quilts), and an orphanage (clothing and Christmas decorations).

Ms. Richardson said ACF would like to work with Council to host a community event and have vendors at the event to help raise money. Ms. Richardson referred to the successful Easter Egg event held annually at Tractor Supply. That event draws hundreds of people.

Ms. Dawn Barker discussed rescue efforts she had been involved with and the many difficulties she may encounter while trying to capture and rescue animals. Ms. Barker detailed one recent horrific situation in Davidson County involving a lady who was hoarding cats. Hazmat suits had to be worn to enter the residence. Numerous cats were found dead. In 28 days, 20 feral cats were trapped, seven of which had diseases that were incurable. The others were spayed/neutered and given vaccinations and became barn cats.

Ms. Clemmons concluded the presentation asking Council to amend the Town's Zoning Ordinance so ACF can continue to operate and provide services for the animals.

Mayor Byrum thanked ACF for their work and their presentation to Council and encouraged them to continue to work with the County and Town Manager on this matter.

**PRESENTATION – AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2019 – EDDIE CARRICK, CPA, PC**

Auditor Tony Brewer of Eddie Carrick, CPA, PC presented the audit report for fiscal year ending June 30, 2019. Mr. Brewer reported the Town received an “unqualified opinion.” An unqualified opinion is an independent auditor's judgment that the Town's financial statements are fairly and appropriately presented, without any identified exceptions, and in compliance with generally accepted accounting principles (GAAP).

Mr. Brewer stated the audit report is a public document and pointed out that pages 3-10 provide a narrative overview written and financial analysis of the financial activities of the Town of Midway for the year ended June 30, 2019. Mr. Brewer stated these pages are written in laymen's terms and encouraged readers to read the information presented in conjunction with the additional information that has been furnished in the Town's financial statements.

**Financial Highlights**

- The assets and deferred outflows of resources of the Town of Midway exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$7,453,619 (*net position*).
- The government's total net position increased by \$818,700 due to increases in the governmental type activities net position.
- As of the close of the current fiscal year, the Town of Midway's governmental fund reported an ending fund balance of \$5,208,369 with a net increase of \$731,772 in fund balance. Approximately 22 percent of this total, or \$1,167,368, is restricted or assigned.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$4,041,001, or 443 percent of the total General Fund expenditures for the fiscal year.
- The debt for the Town decreased by \$8,715 due to a decreased in accrued vacation of \$125, and a decrease in net pension liability of \$8,590.

Mr. Brewer stated that the Town collection rate of 97.29% remains steady.

A complete copy of the Audit Report for Fiscal Year ending June 30, 2019 is on file at Town Hall and on the Town's website at [www.midway-nc.gov](http://www.midway-nc.gov) for public inspection.

**CALL FOR PUBLIC HEARING – ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF MIDWAY – TRUCK STOPS**

At their meeting on October 29, 2019, the Planning Board voted unanimously to recommend Town Council amend the text of the Town of Midway Zoning Ordinance to add Truck Stops to the Table of Permitted Uses as a Special Use in the Highway Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) districts upon approval by the Town of Midway's Board of Adjustment.

Truck Stop will be defined as a business enterprise oriented to serving the needs of commercial vehicles, particularly heavy trucks, that is engaged in vehicle fuel sales. Truck stops may provide repair and maintenance services, good and convenience item sales, overnight vehicle accommodation, and other related services typically associated with such uses. A truck stop may also include fuel and other services oriented to serving passenger vehicles.

The proposed minimum lot size is 20 acres and subject to the following requirements:

- Submittals:
1. Site plan showing location and size of all existing and proposed structures, the distance of all structures and parking from adjoining properties, all overnight parking areas and all amenities, i.e., fuel island, truck wash, weigh station, etc.
  2. Plans, elevations and perspectives for all proposed structures and descriptions of the color and nature of all exterior materials.
  3. A landscape plan showing, at the same scale as the site plan, existing and proposed trees, plus shrubs, ground cover, proposed screening and other landscape materials.
  4. A traffic impact analysis for the proposed facility.
  5. An N.C.D.O.T. Commercial Driveway Permit for the facility.

- Standards:
- A. When an overnight parking lot is involved, there shall be a minimum distance of 500 feet from the proposed parking facility and any residentially zoned property.
  - B. Truck Stop facilities shall be located a minimum of 350 feet from any residentially zoned property.
  - C. Any outdoor lighting associated with the truck stop or other amenity areas shall be installed as full cut-off fixtures. Residential dusk-to-dawn lighting is permitted elsewhere on the site. No lighting shall be directed onto adjacent property and shall be shielded to prevent such light pollution.
  - D. The truck stop property shall have security fencing on the sides and rear of the developed site. Fencing shall extend from the surface of the ground to a uniform minimum height of 6 feet from the ground at any given point.
  - E. The truck stop property shall have screening against any adjoining residential property. Vegetation shall be of a type that will reach a minimum height of 20 feet at maturity and shall be placed at intervals so that a continuous, unbroken hedgerow will exist to a height of at least 20 feet when the vegetation reaches maturity.
  - F. Every owner or operator shall be responsible for maintaining the fencing and/or vegetation. Dead or diseased vegetation shall be removed and replanted.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Todd Nifong, Council voted unanimously to call for a public hearing to be held on Monday, December 2, 2019, at 7:00 p.m. at Town Hall to received citizen input on the proposed text amendment to the Town of Midway's Zoning Ordinance to add Truck Stops to the Table of Permitted Uses as a Special Use in the Highway Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) districts upon approval by the Town of Midway's Board of Adjustment, subject to certain submittals and standards as required in the text amendment.

**CONTRACT RENEWAL – WILLIAM Z. DILLON D/B/A DILLON OUTDOORS – LAWN AND GROUNDS MAINTENANCE**

Currently, the Town has two separate contracts with William Z. Dillon D/B/A Dillon Outdoors for Maintenance of the Lawn and Grounds for the Town Park, Town Hall, decorative signage locations, and fence line along Fred Sink Road. One of the contracts is due to be renewed at this time and it is the staff's recommendation that both contracts be combined into one.

Zack Dillon, owner of Dillon Outdoors, has agreed to combining the contracts and has submitted his proposals for continuing to provide said services with no increase in costs.

Town Attorney Jim Lanik has reviewed and approved the proposed contract as written.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Jackie Edwards, Council voted unanimously to approve the contract with William Z. Dillon D/B/A Dillon Outdoors for Lawn and Grounds Maintenance as proposed.

**CONTRACT RENEWAL – BUBBAJAKE, INC. D/B/A/ ONE STEP COMPUTER SOLUTIONS – IT SERVICES**

Town Manager Tammy Michael reported the Town currently contacts with One Step Computer Solutions to provide IT services and with RDZ Designs for email services along with website management.

The new Town of Midway website currently under construction with PinWilz Company, LLC requires email services to be administered and managed by Midway's IT services provider.

One Step Computer Solutions has submitted two quotes.

- Exhibit A outlines the scope and cost of IT services. The annual quote for IT services is \$2,989.00. The cost remains the same as the current agreement in place.
- Exhibit B details the annual cost of email account along with required security measure to protect the Town of Midway from hackers and potential ransomware attacks. The annual cost for email accounts with security is \$2,756.40. Adding the security, bring the Town of Midway in compliance with the Microsoft email software used by Council and staff.

Ms. Michael stated that One Step Computer Solutions has also submitted an Exhibit C as an option for consideration.

- Exhibit C is optional and if selected will be under a new and separate Independent Contractor's Agreement with One Step Computer Solutions. Historically, companies use an off-site provider to secure system backups. A few advantages of using a Direct Cloud Backup Local Host are:
  1. Snapshot backup of system reducing down time by up to 90% in the event of a security breach or system failure.
  2. Backup is stored locally in the Triad with standard bank-level encryption. Data is encrypted prior to leaving the three computers in Town Hall.

3. Doesn't require weeks of backing up and reduces IT cost in the long term, especially if a breach occurs. Restoration could potentially be within 24 hours of a system failure or ransomware attach. (Example, when Davidson County was held for ransom, it required weeks of work for restoration to normal operations.)
4. Any restoration that is required will be brought to Town Hall instead of transferring all the files over the internet, thereby saving time and IT cost.
5. License for backup is fully transferrable if a new computer is required.

Town Manager Tammy Michael recommended Town Council approve Exhibit A to the proposed contract for IT Services in the amount of \$2,989.00 and Exhibit B for Email Licenses and security in the amount of \$2,756.40. Ms. Michael also recommended Council discuss and consider Exhibit C for Cloud Backup Services for \$3,843.00. If Council chooses to approve the proposal under Exhibit C, it would require a separate Independent Contractors Agreement and would be presented to Council at a future meeting.

Councilor Todd Nifong made a motion to approve the contract with Bubbajake, Inc. D/B/A One Step Computer Solutions. Councilor Moon seconded the motion.

Under discussion, Councilor Jackie Edwards stated she is not in favor of using Cloud backup. Mayor Byrum asked what the benchmark is that determines if additional backup is needed. Town Attorney Jim Lanik responded that the threat is ransomware is out there. One measure would be to get the IT person out to Town Hall more often to do backups. Mayor Byrum said basically backup is insurance. Mayor Pro Tem Mike McAlpine asked staff their opinion. Town Manager Tammy Michael said she was more concerned about email and the website, noting that the Town has secondary measures in place for backup. Mr. Lanik said that one solution for backup would be to get the IT person to train staff how to backup to external hard drives.

Mayor Byrum called on a vote on the motion by Councilor Todd Nifong, seconded by Councilor Robin Moon to approve the contract with Bubbajake, Inc. D/B/A One Step Computer Solutions with Exhibits A and B attached. Council voted unanimously to approve the contract as proposed.

#### **ADOPT 2020 TOWN COUNCIL MEETING SCHEDULE**

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to approve the Town Council Meeting Scheduled for 2020 as presented.

#### **2020 MIDWAY TOWN COUNCIL MEETING SCHEDULE**

Meetings of the Midway Town Council are generally held on the 1<sup>st</sup> Monday of each month, unless otherwise listed, at 7:00 p.m. in the Town Hall Council Chamber located at 426 Gumtree Road in Midway, North Carolina.

January 6	February 3
March 2	April 6
May 4	June 2
July 13	August 3
September 8 (Tuesday)*	October 5
November 2	December 7

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\*To observe the Labor Day Holiday, the September regular meeting will be held on the first Tuesday of the month.

**ADOPT 2020 TOWN OF MIDWAY HOLIDAY SCHEDULE**

On motion by Councilor Robin Moon, seconded by Councilor Jackie Edwards, Council voted unanimously to adopt the Town of Midway Holiday Schedule for 2020 as presented.

**2020 TOWN OF MIDWAY HOLIDAY SCHEDULE**

New Year's Day	Wednesday, January 1, 2020
Martin Luther King, Jr. Birthday	Monday, January 20, 2020
Good Friday	Friday, April 10, 2020
Memorial Day	Monday, May 25, 2020
Independence Day	Friday, July 3, 2020
Labor Day	Monday, September 7, 2020
Veterans Day	Wednesday, November 11, 2020
Thanksgiving	Thursday, November 26, 2020 Friday, November 27, 2020
Christmas	Thursday, December 24, 2020 Friday, December 25, 2020 Monday, December 28, 2020

**TOWN MANAGER'S REPORTS**

**MONTHLY FINANCIAL REPORT**

Council was provided monthly financial reports for September 2019 as follows:

**OCTOBER 31, 2019**

Total Income	\$ 609,822	43.5 % of overall budget
Total Expenses	\$ 356,003	25.4 % of overall budget

For information only.

**SET DATE FOR 2020 APPRECIATION DINNER**

Town Manager Tammy Michael asked Council to send her some dates they have available for the 2020 Appreciation Dinner.

**DAVIDSON WATER OPEN HOUSE – WEDNESDAY, NOVEMBER 13, 2019**

Town Manager Tammy Michael advised that to date only she and Councilors Edwards and McAlpine had signed up to attend the Open House at the Water Treatment Plant on Wednesday, November 13, 2019 hosted by Davidson Water, Inc. Ms. Michael said if other Council members are interested to please let her know so she could notify Davidson Water. An RSVP is required due to the Water Treatment Plant being a "Secured" facility.

For information only.

**CHRISTMAS PARADE – SATURDAY, NOVEMBER 30, 2019**

Town Manager Tammy Michael advised Council that the Christmas Parade will be held on Saturday, November 30, 2019 this year.

Mayor Byrum said he would be out of town and unable to ride in the parade this year.

For information only.

**REMINDER – TOWN HALL TO BE CLOSED – OBSERVANCE OF HOLIDAYS**

Town Manager Tammy Michael reminded Council that Town Hall would be closed on Monday, November 11, 2019 in observance of Veterans Day and on Thursday, November 28 and Friday, November 29, 2019 in observance of Thanksgiving.

Reminder only.

Ms. Michael advised Council that they had been invited to the ribbon cutting ceremony at the site of the Tyro Viper Tower located behind the Tyro EMS Base on Tyro School Road on Monday, November 25, 2019 at 1:00 p.m. Council was asked to let her know if they were interested in attending so she could RSVP for them.

Mayor Byrum told Council he would like to schedule another Vision Session in early 2020 and asked Council to look at their calendars to see what dates they have available to meet. The date for the next Vision Session will be determined at a later meeting.

**ADJOURNMENT**

On motion by Councilor Jackie Edwards, seconded by Councilor Keith Leonard, Council voted unanimously to adjourn the meeting at 8:10 p.m.

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John E. Byrum, Mayor

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Linda A. Hunt, Town Clerk